

COURT OF COMMON PLEAS
GENERAL DIVISION
HAMILTON COUNTY, OHIO

ENTER

OCT 31 1994

FRED J. CASTOLANO JUDGE

Administrative Judge

State of Ohio

Case Number B-940481

vs

Entry of Re-Assignment

Lee Moore

It appearing that due to the assigned judge becoming
being heavily engaged in other cases, and a trial date set
case B-940481 is hereby reassigned to Room 9,
Judge Ruehlman.

003081

Carol Budai

fonten putier

involved in assignment of case of 16 more
others.

- to which gives

- How does - explain procedure

from This case has been re-organized
explain how re-organization was accomplished:

Show Entry (1)
(2)

Case assigned by Administrative Judge
Re-argued on Oct 31st, 1994 - prior to Justice's
trial date of Nov 9th
Entry does not indicate Judge Morrison - absent
" " " " " engaged in trial

are familiar w local rules - particularly Pub 7 (H)
providing for assignment & death penalty of per.
Pub requires assignment need by 604

that was not done here in this case
As shown Judge Kushner was not assigned
by WFO

STATE VS. LEE MOORE MOTIONS

1. MOTION TO WITHDRAW ENTRY ON WAIVER OF TRIAL BY JURY
NO OBJECTION
2. MOTION FOR DISCLOSURE OF IMPEACHING INFORMATION
NO OBJECTION
3. MOTION TO SUBMIT QUESTIONNAIRE TO PROSPECTIVE JURORS
NO OBJECTION-
4. MOTION FOR APPOINTMENT OF MITIGATION SPECIALIST AT PUBLIC EXPENSE
NO OBJECTION - entry filed
5. MOTION FOR ORDER TO FURNISH COPY OF TRANSCRIPT OF MOTION TO SUPPRESS
NO OBJECTION - entry filed
6. MOTION TO PROHIBIT REFERENCES TO THE JURY THAT A VERDICT AS TO DEATH IS ONLY A RECOMMENDATION
OBJECTION FILED - entry filed
7. MOTION TO PROHIBIT PROSECUTOR FROM ARGUING AND THE COURT FROM GIVING INSTRUCTIONS REGARDING STATUTORY MITIGATING FACTORS NOT RAISED BY THE DEFENSE
OBJECTION FILED
8. MOTION FOR COMPREHENSIVE VOIR DIRE
RESPONSE FILED - NO OBJECTION
9. MOTION TO PROHIBIT DEATH QUALIFICATION OF THE JURY
OBJECTION FILED - entry filed
10. MOTION IN LIMINE TO LIMIT PROSECUTOR'S ARGUMENT TO THE AGGRAVATING CIRCUMSTANCE PROVEN AT THE GUILT PHASE
OBJECTION FILED
11. MOTION FOR DISCLOSURE OF WITNESSES' STATEMENTS PRIOR TO TRIAL
OBJECTION FILED - entry filed
12. MOTION TO COMPEL DISCLOSURE OF INFORMATION RELATING TO MITIGATING FACTORS
RESPONSE FILED - NO OBJECTION
13. MOTION FOR INDIVIDUAL SEQUESTERED VOIR DIRE
OBJECTION FILED - entry filed
14. MOTION FOR EXTENSION OF TIME TO FILE PRETRIAL MOTIONS
ORAL OBJECTION
15. MOTION TO DISMISS INDICTMENT
OBJECTION FILED - entry filed
16. MOTION TO PERMIT DEFENSE TO ADMIT ALL RELEVANT EVIDENCE OF SENTENCING PHASE
OBJECTION FILED
17. MOTION TO ALLOW THE DEFENSE TO ARGUE FIRST AND LAST AT THE MITIGATION PHASE
OBJECTION FILED - entry filed
18. MOTION FOR DISCLOSURE OF REBUTTAL WITNESSES
RESPONSE FILED - NO OBJECTION
19. MOTION TO PROHIBIT PROSECUTOR FROM COMMENTING ON ACCUSED'S UNSWORN STATEMENT
OBJECTION FILED
20. MOTION TO INCREASE THE NUMBER OF PEREMPTORY CHALLENGES WHICH DEFENDANT MAY EXERCISE
OBJECTION FILED / entry filed

003083

- (6) Entry Overruling Def's Motion to Prohibit Reference to the Jury that
Attended as to Adels is Only Recommended
- (5) Entry Granting Motion to Order W. Fernald Copy of Transcript Motion Suppressed
 { Entry Overruling Motion to Suppress Statements
 " " " Evidence
- (4) Entry Granting M. for Fernald to Retain M. depositions Speculated
- (9) Entry Overruling Def's Motion to Prohibit Excess Qualification of Hing
- (20) Entry " Wg's motion & discussion of Peremptory Challenges Refusing to exercise
- (17) " " to allow Defense to Sign First & Last Name of Plaintiff
- (11) " " For Production of last Statement Prior to Trial
- (15) " " T.D. 11-1-85
- (13) " " Individual Signed Bond Vs. - Davis

NEED Enty Granty #18
" " b12
" " #8
" " #3
" " b2

7
 10
 14
 16
 19

Robert Fletcher
Wk-397-9537
age-5:30 317-9331

Ben Parker
626-3525

Ms Simpson - Leamoure St
242-1482

Deve Chappone 352-1342

Fax 352-1345 003084

632.7000

Lee Moon

ask by
if buying - bracelet, necklace
both, sweat pants, sweat shirt
ask anything for Larry, Jason

Larry Kenley by anything? credit cards

003085

LEE MOORE

MOTION TO PROHIBIT DISPARITY OF EVIDENTIARY EXAMINATIONS
UNTIL ADMITTED

MOTION TO EXCLUDE PHOTOGRAPHS AND SLIDES OF
DECEASED

MOTION TO DISMISS - Demand Equal Protection Laws
Charged Identically - but 2/3 will not receive
prosecution
Same Conduct - not same persons

MANUAL - Proposed Reasonable Doubt Instruction for Mitigation Phase
MOTION TO INSTRUCT Jury to Consider - Many in the Mitigation
Phase Deliberations

INSTRUCTIONS

See General Fieldhaus & Tapp
Mitigation people

- Questionnaire to In-govern -
Copy to Poppen - 6

- Entry copies to Chapman

- Letter to Dea-10/16 - & Shahan - Make Mitigation Records available to

003086

VOIR DIRE
 "to speak the truth"

JURY 20 OPENING - Dr. Lopez, St. Michael, J. J. O'D
 PROPOSED INSTRUCTIONS MITIGATION (HIS SWORN STATEMENT)
 - wit (CLOSING)

CLOSING Wit -
 - ability to compare to
 ind. state
 - Youth, remorse
 - effect of Marijuana + Alcohol
 77 - looking at
 5 sentence given in
 some authority
 some things

ENTRIES

rongful Death Proceeds
 oposed Ward
 Setting Hearing on Application
 of Guardian
 and Consent
 tance—Guardian

anship
 tory
 lease Funds to Guardian
 uthority to Expend Funds
 nt

pointment of Guardian of Mi-

dian by Minor Over Fourteen

for Appointment of Guardian
 or Over Age 14)
 on Application for Appoint-
 of Minor (To Parent, Known
 ersons Having Custody)
 Appointment of Guardian of

pointment of Guardian (An Al-
 rt Evaluation
 ctive Ward
 ve Ward of Application and

for Appointment of Guardian
 stent Person
 Appointment of Guardian for

rt
 on of Minor Child
 , Notice and for Appointment

on Petition for Adoption
 on
 sent Not Necessary
 of Adoption
 port and Finalizing Adoption
 option (Without Interlocutory

e for Parents
 :
 on of Adult
 ption of Adult
 pointment of Conservator
 ppointment of Conservator
 torship

lity; authority; citation
 se Rules of Superinten-
 all divisions of the courts
 State.
 les are promulgated pur-

suant to Section 5(A)(1) of Article IV of the Ohio
 Constitution.

(C) Citation. These rules shall be known as the
 Rules of Superintendence for Courts of Common
 Pleas and shall be cited as "C.P. Sup. R. ____."
 (Amended, eff 8-13-79; 1-1-90)

RULE 2. Presiding judges

In counties having more than one common pleas
 judge, the judges thereof shall, pursuant to the Con-
 stitution, select one of their number to act as presid-
 ing judge to serve at their pleasure. The selection
 of the presiding judge shall be by majority vote of
 all the judges of all the divisions of the court, i.e.,
 general, domestic relations, probate and juvenile.

If the judges are unable for any reason to make
 such selection, the judge having the longest total
 service on the court of common pleas in any division
 thereof shall serve as presiding judge until selection
 is made by vote.

The judges of all multi-judge courts of common
 pleas shall meet at the call of the presiding judge,
 and at least once annually, for the purpose of dis-
 cussing and resolving administrative problems com-
 mon to all divisions of the court. The presiding
 judge shall chair all such meetings and may assign
 judges on a temporary basis from one division of
 the court to serve another division as the business
 of the court may require.

Nothing in these superintendence rules prevents
 a presiding judge from serving simultaneously as an
 administrative judge of a division pursuant to
 Sup. R. 3.

(Amended, eff 1-1-90)

RULE 3. Administrative judge

(A) Selection and term; notifications. The judges
 of each multi-judge division of the court of common
 pleas shall, by majority vote of all judges of the
 division, select one of their number to act as admin-
 istrative judge. The administrative judge shall serve
 for an annual term and may be reelected.

If the judges, for any reason, are unable to elect
 an administrative judge, the judge having the long-
 est total service on the court shall serve as the
 administrative judge for one term. If two judges
 have equal periods of service, the holder of the of-
 fice shall be determined by lot. In the event of con-
 tinued failure to elect an administrative judge, the
 judges shall, in turn, serve in the order of seniority
 as determined by total length of service on the
 court.

The administrative judge shall promptly notify
 the Office of the Administrative Director of the
 judge's selection and term.

(B) Powers. The administrative judge shall be the
 presiding officer of his division and shall have full
 responsibility for and control over the administra-

tion, docket, and calendar of the division which the
 judge serves. The administrative judge shall cause
 cases to be assigned to the judges within the division
 and shall require such reports from each judge con-
 cerning the status of assigned cases as may be re-
 quired to assist the judge in discharging his overall
 responsibility for the observance of these superin-
 tendence rules and for the termination of cases in
 his division without undue delay.

The administrative judge shall maintain records
 indicating the number of pending cases which each
 attorney is to try. In civil cases the attorney who is
 to try the case shall be designated as trial attorney
 on all pleadings filed therein. At the time of ar-
 raignment in criminal cases, the attorney who is
 to try the case shall be stated in writing by such
 attorney.

The administrative judge shall formulate such ac-
 counting and audit procedures within the division
 and the office of the clerk of court as will insure
 the accuracy of and consistency with all reports re-
 quired by these Rules.

(C) Relief from trial duties. By local rule, the
 administrative judge may be relieved from part of
 the judge's trial duties to utilize the time to manage
 the calendar and docket of the court.

(Amended, eff 8-13-79; 1-1-90)

RULE 4. Assignment system

As used in these rules, "individual assignment"
 system is that system in which, upon the filing in,
 or transfer to, a division of the court of a civil case,
 or upon arraignment in a criminal case, a case im-
 mediately is assigned by lot to a judge of the divi-
 sion, who becomes primarily responsible for the de-
 termination of every issue and proceeding in the
 case until its termination. Under this system, all
 preliminary matters, including requests for contin-
 uances, shall be submitted for disposition to the
 judge to whom the case has been assigned or, if the
 assigned judge is unavailable, to the administrative
 judge.

Each multi-judge general, domestic relations,
 and juvenile division of the court of common pleas
 shall adopt the individual assignment system for the
 assignment of all cases to judges of the division.

In any instance where a previously filed and dis-
 missed case is refiled, that case shall be reassigned
 to the judge originally assigned by lot to hear it
 unless, for good cause shown, that judge is pre-
 cluded from hearing the case.

(Amended, eff 8-13-79; 1-1-84; 2-1-85; 1-1-90; 1-1-92)

RULE 5. Reports and information

(A) Report Form; Responsibility for Submission.
 Each judge of a general, domestic relations, or juve-
 nile division and each judge temporarily assigned
 to a division by the presiding judge under
 C.P. Sup. R. 2 is responsible for a report of the

judge's work in that division to the Court Statistical Reporting Section of the Supreme Court. In a multi-judge general, domestic relations, or juvenile division, the report shall be submitted through the administrative judge. In a multi-judge probate division, the judges shall sign and submit one report of the work in that division. The signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, shall attest to the accuracy of the report.

Each judge sitting by assignment of the Chief Justice shall submit a report of the judge's work to the Court Statistical Reporting Section. The reports shall be submitted through the administrative judge of the division to which the judge is assigned. The signatures of the reporting judge, the administrative judge, and the preparer, if other than the reporting judge, shall attest to the accuracy of the report.

The report forms are attached as an appendix to this rule.

(B) Report Forms; Time for Submission. Each report form specified by these rules shall be submitted monthly except Form C, which shall be submitted quarterly.

Each report form specified by these rules shall be filed with the Court Statistical Reporting Section not later than fifteen days after the close of the reporting period.

(C) Administrative Director; Reports Public Record When Filed. All reports specified by these rules shall be public records. The Administrative Director of the Supreme Court shall publish an annual compilation of the reports. All judges and

clerks shall cooperate with the Administrative Director to ensure the accuracy of the reports.

The Court Statistical Reporting Section shall provide an Implementation Manual that contains commentary and explanatory material pertaining to these rules and the report forms required by these rules.

(D) Chief Justice of the Supreme Court; Requests for Additional Information. The Chief Justice of the Supreme Court may require additional information concerning the disposition of cases and the management of the courts in order to discharge the constitutional and statutory duties. All judges, clerks, and other officers of all courts shall furnish the Chief Justice with any information requested by the Chief Justice.

(E) Annual Physical Case Inventory; New Judge Inventory.

(1) Except as provided in division (E)(2) of this rule, each judge, on or before the first day of September, shall complete an annual physical inventory of all cases reported as pending on the applicable statistical report forms filed by the judge.

(2) A judge, when initially elected or appointed to the court of common pleas, shall complete a physical case inventory within three months of the date on which the judge first takes office. Subsequent annual physical inventories shall be completed on or before the first day of September of each ensuing year.

(3) Completion of the physical inventory required by this rule shall be documented in the appropriate space on the applicable statistical report forms.

(Amended, eff 12-19-77; 1-1-79; 8-13-79; 1-1-90; 2-18-91; 1-1-92)

County _____
Report for the _____

Pending beginning:

New cases filed

Cases transferred/reassigned

TOTAL (Add lines)

TERMINAT:

Jury trial

Court trial

Settled or dismissed

Dismissal

Dismissal for lack of prosecution

Default (includes cc)

Diversion or arbit.

Guilty or no contest; original charge

Guilty or no contest; reduced charge

Unavailability of or sentencing

Transfer to another

Referral to private

Bankruptcy stay or

Other terminations

TOTAL (Add lines)

Pending end of period (Subtotal line 10 to)

Time Guidelines

Cases pending beyond

Number of months beyond time guideline

Cases submitted or judgment beyond

Mail to:

Court Statistical /
Supreme Court
30 East Broad St.
Columbus, Ohio

WFO

(Effective 2-18-91)

003089

RULE 7. Individual assignment system

(A) The several Judges of the General Division shall be assigned each month in rotation as Presiding Criminal Judge and as Equity Judge. Where there is an application for a restraining order, appointment of a receiver or mandamus, the party making the application shall give written notice to the opposite party of the intention to make such application, unless the Equity Judge, for good cause shown, otherwise directs. If the Equity Judge directs that the written notice be omitted, an entry shall be made stating the reason for the omission of such notice. No request for a temporary restraining order will be heard unless it is presented by a motion separately filed. A case shall be permanently assigned to the judge serving in equity at the time a motion for temporary restraining order is filed; except that a case already permanently assigned at the time the motion is filed shall not be reassigned. For purposes of reports under Superintendence Rule 5, all miscellaneous cases not otherwise assigned shall be reported each month by the Equity Judge.

(B) In accordance with Superintendence Rule 4, upon the filing in, or transfer to, a division of the Court of a civil case, or upon arraignment upon information or indictment in a criminal case, such case shall be immediately assigned by the Presiding Judge or the Court Administrator by lot to a judge thereof, who thus becomes primarily responsible for the determination of, except as otherwise provided herein, every issue and proceeding in the case until its termination. Under this system, all preliminary matters, including requests for continuances, must be submitted for disposition to the judge to whom the case has been assigned, or if the assigned judge is unavailable, to the Administrative Judge. Such cases, whether civil or criminal, shall be distributed, as nearly equally as possible, to each of the judges then in office in the division in which such action is cognizable, and the several judges of that division may effect any system whereby this is to be accomplished, provided such assignment is immediate upon filing, transfer or assignment, as the case may be.
(effective December 1, 1991)

(C) Whenever, upon the date set for trial of a cause, whether civil or criminal, counsel for the parties acknowledge their readiness to proceed to trial, and the judge to whom the cause has been assigned is engaged in another trial, or is absent, the Administrative Judge may forthwith assign such case to any judge of that division who is not engaged in the trial of a cause at that time, and such judge shall take credit for the disposition of that case, in accordance with Superintendence Rule 5, as if such case had been originally assigned to him or her. Thereupon

the judge receiving such reassignment shall promptly select and transfer one of the cases assigned to that judge's room in the same classification and filed in the same or subsequent year, in exchange to the room from which said case came, as a permanent transfer.

(D) For good cause shown, on written application by counsel to the Presiding Judge, a case may be reassigned by the Presiding Judge in the manner provided in Section (C) hereof.

(E) When necessary or proper a judge may disqualify himself or herself from a particular case. In those circumstances, that judge shall inform the Administrative Judge in writing of such disqualification and upon approval of the Administrative Judge, the Court Administrator will reassign the case pursuant to Rule 7(B) and (C) above. The writing will be an official entry.

(F) When a new trial is ordered, for any reason, either by the judge who originally tried the case or by a reviewing court, the case, for purposes of such new trial, shall be reassigned by lot in accordance with the system authorized by Paragraph B hereof. When a case has once been tried, and for any reason a retrial is required, said case shall be given preference in the setting of cases for trial.

(G) Consolidation and separate trials: Civil Rule 42 governs consolidation and separate trials. Unless otherwise agreed by the judges involved, motions to consolidate shall be heard by the judge to whom the lowest numbered case is assigned and, if granted, all cases shall then go to that judge. In lieu of that judge returning a case under the provisions of Rule 7(C), the judge from whom a case is taken shall be reassigned a new case pursuant to Rule 7(B).

(H) A separate assignment by lot shall be made for death penalty offenses. In these cases, the Presiding Criminal Judge shall appoint one attorney for defendant on the day that the defendant is either arraigned in the Municipal Court or indicted, whichever comes first. The Assigned Judge will appoint one additional attorney for defendant upon assignment of the case in the Common Pleas Court. (Amended June 17, 1983)

(I) If it is ascertained that a defendant is under the age of 18 years of age and the Juvenile Court has not yet waived jurisdiction, the general division judge shall continue the case one day and will notify the presiding Juvenile Judge so that the proper complaint can be processed.

003091

(J) In accordance with Superintendence Rule 4, in any instance where a previously filed and dismissed case is refiled, that case shall be reassigned to the judge originally assigned by lot to hear it, unless, for good cause shown, that judge is precluded from hearing the case. (New February 1, 1985)

(K) When a criminal case has been assigned to a judge of this court and the state seeks to obtain relief from discovery or to perpetuate testimony or for a witness protective order under Crim. R. 16(B), said motion will not be heard by the assigned judge but rather will be heard and determined by the judge assigned as presiding criminal judge for the month wherein the motion is filed. The assigned judge will continue to be primarily responsible for the determination of every other issue and proceeding in the case until its termination pursuant to paragraph (B) above.

003092

PHONE CALL

PHONE CALL	
FOR	DATE: 10-17 TIME: 2:15 P.M.
NAME	San Fritz Meyer
OF	Grey Conn.
PHONE	6326800
NUMBER	50-75
MESSAGE	-75- on page 1 - 12.11.50-75
	- 3 Wks - no need - Box 60-100 1909
	select 75 - no fill out 2-3
	R. 852-3477
SIGNED	TOOK FORM HERE

Jenny O'Donnell

9/16/14

Initial calls

Met w

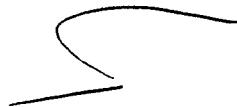
Very

Polite

Cooperative

Lee Moore

Call St. John



P-TM

CCW

RSP

Life table after 20

10-25

10-25

+3

40 - $\frac{1}{3}(12)$ 28

+3

3

31

+9

50

Jenny O'Donnell - 352-1342
left - write rpt

Nu3d Ep1Dme

Stay away
from - Surv Record

Back News

- N. Paddy called Lee Morris per Juv Off
Not 1st offense w gun
Ser Vert - occurred of holding gun to
head, when with her
sister - Went to DYS - says Lee to yse - now
why Lee never charged

003095

Lee Moore

Simon Schmidtger
Papier - - - - -

5/27 pleadings

-5/27- Visitation Day

5/31 Pleading: Pleadings

15 - 6/1/44. Decid Ct / 2000 Cms

2.5 6/2/94 E.C. judges over judges' regulations meet w/ Management Committee
need w/ C. to discuss with judges

Reg. Circumstances \rightarrow Maternal factors

6. Water Pollution involves:

2) Unabhängigkeit gegenüber anderen Staaten, Völkern, Organisationen.

[illegible]

④ Joint of female -

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[illegible]

(7) Any other factors relevant to sexual harassment should be outlined to teach. 1410

Verdict for respondent to CL

003097

N-5-F
3/25/94 VISIT Lee Moore
written statement
Waiver of Rbo for -

Danell Anderson
from your pen

Vinette Gullion - Aunt

Trista Neal ex-girlfriends sister

On The Evening of Jan 14 1994 Me, Larry Kinley & Jason holmes were sitting at Jason holmes house Smoking Weed & drinking beer, (We were Very high & drunk) Then Jason Said "Lets go get a Car."

I Knew what he Meant because we had TALKED About IT before we JUST Never Did IT, he was TALKING About Cargacking. I Agreed To Do This (I was NOT IN My Right Mind.) So we drive up to butler County looking for A Victim AND we finally see a Man getting out of a ford Taurus going INTO a bar, we decided To wait for The Man To RETURN To his Car and Then Cargack him, Jason was going To drive My Car back To Cincinnati, Well The MAN RETURNED To his Car and (Still Really high & drunk) I held The gun ON The Man & Told him To get in his Car ON The drivers side he did So I drove off Around The building & Told The Man To get in his TRUNK he did and I Told him I was NOT going To hurt him, he Saic "I JUST DONT WANT ANY Trouble". I was ON My Way back To Jason's house To pick up Larry Kinley BUT ON The Way I bought a 40 ounce and SMOKED some More Weed because I was Sobering up AND Started Realizing what I was ACTUALLY INTO AND I wanted To get IT ALL off of My Mind and IT worked.

I Finally get To Jason's house & Larry got in The Car and I Told him THAT I had a MAN in The TRUNK and THAT I wanted To drop him off in a place UNfamiliar To him Larry Said "I wil help you find one" So we drive off AND we ~~was~~ ~~3099~~ u,

IN CUMMINSVILLE & WE SEE A DARK STREET SO I
TURNED DOWN THE STREET AND I STOPPED THE
CAR TO GET THE MAN OUT OF THE TRUNK
(I AM STILL VERY HIGH AT THIS POINT) AND FROM THIS
POINT ON ALL I CAN REMEMBER WAS A LOUD SOUND
AND DRIVING OFF (I CAN BARELY REMEMBER THE WHOLE NIGHT)

I REMEMBER GETTING INTO THE CAR AND LARRY
SAID "FUCK HIM" I WAS DRIVING AND SOBERING
UP AND STARTED REMEMBERING BITS & PIECES OF
WHAT WENT ON THAT NIGHT AND I STARTED FEELING
SICK & SCARED THEN LARRY STARTED TELLING ME
ABOUT SOME CREDIT CARDS IN THE MANS WALLET &
TO THIS DAY I CANT TELL YOU HOW HE GOT THE
WALLET, I JUST CANT REMEMBER.

ON THE WAY BACK TO JASONS HOUSE WE
STOPPED AT A STORE & BOUGHT SOME MORE 40 OUNCE
BECAUSE I FELT I NEEDED TO STAY DRUNK IN
ORDER TO GET THROUGH THAT TERRIBLE NIGHT (THAT
WAS MY ANSWER TO ALL MY PROBLEMS) WE FINALLY GOT
BACK TO JASONS HOUSE AND I DRUNK A COUPLE OF
40 OUNCES AND FINALLY PASSED OUT, I DONT REMEMBER
HOW MY LICENSE PLATE GOT ON THE TAURUS AND I DON
REMEMBER WHO PUT IT ON THERE.